

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7141**

**BILL NUMBER:** HB 1644

**NOTE PREPARED:** Jan 5, 2009

**BILL AMENDED:**

**SUBJECT:** Death Penalty Executions.

**FIRST AUTHOR:** Rep. Dermody

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill has the following provisions:

- A. *Time of Death Penalty Execution* – It removes the requirement that a death penalty execution occur before the hour of sunrise on the execution date.
- B. *Confinement of Death Row Offenders in Maximum Security* – It requires an inmate awaiting a death penalty execution to be confined in a maximum security facility.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** *Time of Death Penalty Execution* – No fiscal impact.

*Confinement of Death Row Offenders in Maximum Security* – Under current law, death row offenders are held in a special area of the Indiana State Prison. As proposed, Department of Correction (DOC) would be permitted to hold these offenders in any maximum security facility.

If DOC moves the current offenders on death row to another facility with units rated at the maximum security level, there would be a one-time cost for transportation. Otherwise, this bill could give DOC some flexibility in where it could house death row offenders.

Facilities that meet this criteria include those with Level 3 security and secure confinement units. Besides the Indiana State Prison, facilities that have maximum security levels include the Pendleton Correctional Facility, Westville Correctional Facility, and the Wabash Valley Correctional Facility.

On December 29, 2008, 16 offenders were on death row. On December 1, 2008, the total bed capacity for the facilities with a maximum security level was 5,973. On December 29, 2008, 5,615 offenders were housed in these facilities.

Facility and Level	Operational capacity (December 1, 2008)	Ending count (December 29, 2008)	Difference
Indiana State Prison – Level 3	2,049	1,926	123
Pendleton Correctional – Level 3	1,716	1,609	107
Wabash -- Level 3	1,763	1,677	86
Wabash – Secure Confinement Unit	252	214	38
Westville – Secure Confinement Unit	<u>192</u>	<u>177</u>	<u>15</u>
Totals	5,973	5,632	341

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** DOC.

**Local Agencies Affected:**

**Information Sources:** DOC.

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